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March 3, 2011

Honorable Robert P. Young, Jr., Chief Justice
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: Probate and Estate Planning Section's comments to **ADM File No. 2009-29**

Your Honor:

On January 15, 2011, the Probate and Estate Planning Section of the State Bar of Michigan considered ADM File No. 2009-29. As a Section, we support the proposed amendment to MCR 5.208. We agree generally with the rationale for the amendment, as stated in the Staff Comment.

We point out, however, that creditors might claim the omission of the decedent's last known address in a Notice to Creditors is a denial of due process. Since our Section does not focus on this area of law, we leave it to the seasoned creditors' rights attorneys in our State to take up this argument, if indeed it has any merit.

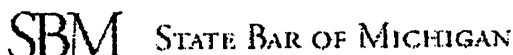
We appreciate the opportunity to address changes to the Court Rules that affect trusts and estates and other related practice areas. Please contact me if you would like to discuss this rule change further or if you would like any additional information.

Very truly yours,



Douglas G. Chalgian, Chair
Probate and Estate Planning Section
State Bar of Michigan

cc: Corbin R. Davis, Clerk of the Michigan Supreme Court
Anne M. Boomer, Administrative Counsel, Michigan Supreme Court
Elizabeth K. Lyon, Director of Governmental Affairs, State Bar of Michigan



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Name of section or committee:

Probate and Estate Planning

Contact person:

Thomas F. Sweeney

e-Mail or phone:

tsweeney@clarkhill.com

Complete only one:

- Bill Number: _____
- Proposed Court Rule or Administrative Order Number: ADM File No. 2009-29
- Other: _____

Date position was adopted:

January 15, 2011

Process used to take the ideological position:

- ☒ Position adopted after discussion and vote at a scheduled meeting.
☐ Position adopted after an electronic discussion and vote.
☐ Other, please explain: _____

Number of members in the decision-making body:

23

Number who voted in favor and opposed to the position:

16	Voted for position
0	Voted against position
0	Abstained from vote
7	Did not vote

For sections only:

- ☒ The subject matter of this position is within the jurisdiction of the section.
☒ The position was adopted in accordance with the Section's bylaws.
☒ The requirements of SBM Bylaw Article VIII have been satisfied.

If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.

Position:

- ☒ Support
☐ Support with recommended amendments
☐ Oppose
☐ Oppose with recommended amendments
☐ Other, please specify: (If position is in the form of a report or amicus brief, the document may be attached in a separate e-mail to elyon@mail.michbar.org)

Explanation of the position, including any recommended amendments:

Copy and paste the text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report. Text may be provided by hyperlink.

http://courts.michigan.gov/supremecourt/Resources/Administrative/2009-29_12-21-10_formatted_order.pdf

IF RECOMMENDING STATE BAR ACTION ON THIS ISSUE, COMPLETE THE FOLLOWING:

List any arguments against the position:

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- ☒ The regulation and discipline of attorneys
☐ The improvement of the functioning of the courts
☐ The availability of legal services to society
☐ The regulation of attorney trust accounts
☐ The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

Submit